

AO 91 (Rev. 08/09) Criminal Complaint  
~~United States District Court~~  
 Southern District of Texas  
 FILED

## UNITED STATES DISTRICT COURT

OCT 08 2019

for the

Southern District of Texas

David J. Bradley, Clerk

United States of America )

v. )

Orlando GARZA-Garcia )

YOB: 1985 )

U.S. Citizen )

Case No. M-19-2422-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 4, 2019 in the county of Starr in the  
Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. 922(g)1

18 U.S.C. 922(g)1 - Any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce

This criminal complaint is based on these facts:

(See ATTACHMENT A as a continuation)

☒ Continued on the attached sheet.

Approved by Robert L. G. AUSA

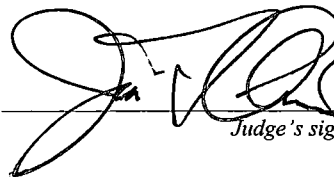
Sworn to before me and signed in my presence.

Date: 10/8/19 - 11:53 A.M.City and state: McAllen, Texas


Complainant's signature

Stephen J. Zilko - ATF Special Agent

Printed name and title



Judge's signature

Juan F. Alanis, U.S. Magistrate Judge

Printed name and title

**ATTACHMENT A**

The facts establishing the foregoing issuance of an arrest warrant are based on the following:

I, Special Agent Stephen J. Zilko, affiant, do hereby depose and state the following:

1. I am a Special Agent (SA) of the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). I have been a law enforcement officer since February 2013. My duties include the investigation of violations of the federal firearm laws. I know it to be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year; to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce. This criminal complaint is based on the following facts:

2. On October 2, 2019, United States Border Patrol Agents (USBP) advised your affiant, USBP Agents were conducting surveillance on Orlando GARZA-Garcia for suspicion of alien smuggling. It was later determined that GARZA was a convicted felon and had an active arrest warrant out of the Starr County Sheriff's Office for Failure to Appear and Possession of a Controlled Substance. Subsequently Roma, Texas Police Officers (Roma PD) assisted by USBP agents placed GARZA under arrest.

3. Later USBP Agents along with Roma PD returned to GARZA's residence, a suspected alien stash house and conducted a consensual search of the residence. USBP Agents advised your affiant, a search of the residence revealed two firearms and several rounds of assorted ammunition, were located in GARZA's bedroom.

4. On October 4, 2019, your affiant obtained a Federal Search Warrant for GARZA's residence. During the search of GARZA's residence, ATF Agents discovered multiple rounds of assorted ammunition and the following firearms: Make: DPMS, Model: A-15, S/N: FFH149572, Caliber: Multi, Type: Rifle and Make: Regent, Model: BR9, S/N: J062019BY00020, Caliber: 9mm, Type: pistol. All aforementioned items were located in GARZA's bedroom.

5. Subsequently, your affiant has confirmed that GARZA is a convicted felon, having been convicted on September 17, 2007, for Possession of Marijuana, In An Amount of Five Pounds Or More But Less Than Or Equal To 50 pounds, a felony offense in the 229th District Court, Starr County, Texas, cause number 07-CSR-104.

6. On October 7, 2019, an ATF Interstate Nexus Expert examined the firearms and ammunition seized as part of this investigation. The ATF Interstate Nexus Expert concluded that both firearms did, in fact, travel in and affect interstate or foreign commerce.